

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JENNIFER McKEOWN,	:	Case No. 1:15-cv-671
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
CAROLYN W. COLVIN,	:	
COMMISSIONER OF	:	
SOCIAL SECURITY,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 19)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on January 31, 2017, submitted a Report and Recommendation. (Doc. 19). Plaintiff filed objections on February 14, 2017. (Doc. 20).

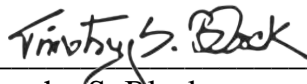
After reviewing the Report and Recommendation, Petitioner's objections, and the case record, the Court finds that Petitioner's objections are not well taken. Plaintiff raises two objections. The first is that the Report and Recommendation improperly allowed the ALJ to give significant weight to only part of the findings of examining psychiatrist Dr. Hyatt. To the contrary, the Report and Recommendation explains that the ALJ evaluated Dr. Hyatt's findings in conjunction with other record evidence such as Plaintiff's daily

activities in creating Plaintiff's RFC, which is proper. The Court also agrees with the Report and Recommendation's finding that the ALJ's RFC also adequately accounts for the limitations suggested by Dr. Hyatt. Plaintiff's second objection is that the ALJ did not properly weigh the opinion of Mr. Heather, a nurse who had worked with Plaintiff. As the Report and Recommendation explains, a nurse such as Mr. Heather is not an "acceptable medical source" entitled to any measure of deference under Social Security Regulation 06-3p; it was therefore acceptable for the ALJ to discount information from that source entirely as inconsistent with information from differing acceptable medical sources available in the record.

Wherefore, as required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation should be and is hereby adopted in its entirety. Accordingly, the Court finds that the ALJ's decision is supported by substantial evidence. The ALJ's decision is therefore **AFFIRMED**, and this case shall be **CLOSED**.

IT IS SO ORDERED.

Date: 2/27/17



Timothy S. Black
United States District Judge